

3-18-1975

Off-Track Betting And Nevada Type Gaming

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OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814

March 13, 1975

FILED
In the office of the Secretary of State
of the State of California

MAR 18 1975

MARCH FONG EU, Secretary of State

By Esther M. Apperson
Deputy

Hon. March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, California 95814

Dear Mrs. Eu:

Re: Initiative - Constitutional Amendment
Off-Track Betting and Nevada Type Gaming

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Robert W. Wilson, as proponent, the following title and summary:

EXTENDED (OFF-TRACK) HORSE RACE WAGERING AND NEVADA TYPE GAMING. INITIATIVE CONSTITUTIONAL AMENDMENT. Establishes a Peoples Experimental Gaming Law Commission which shall issue up to one thousand licenses, or more with two thirds State Senate approval, for the conduct of off-track pari-mutuel horse race wagering. The Commission shall also issue as many permits for Nevada type gaming within the geographical area of the City of Adelanto, San Bernardino County, as requested by that City. Horse race wagering licensees shall pay \$1,500 and gaming permittees \$25,000 annually to the Commission. Gaming permittees must also obtain city licenses at an unspecified price.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

Richard D. Martland
RICHARD D. MARTLAND
Deputy Attorney General

RDM:jsf
Enc.

DECLARATION OF MAILING

RE: Initiative - Constitutional Amendment
EXTENDED (OFF-TRACK) HORSE RACE WAGERING AND
NEVADA TYPE GAMING.

I, Judy S. Fukuman, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Sacramento, California 95814.

The proponent(s) of the above-named measure are:

Robert Willis Wilson
12080 Ventura Boulevard
Studio City, California 91604

On the 13th day of March, 1975,
I mailed a letter, a true copy of which is attached hereto,
to the person(s) above named, in an envelope addressed to
each of them at the addresses set out immediately below
their names, sealed said envelopes, and deposited the same
in the United States mail at the City of Sacramento, County
of Sacramento, State of California, with postage thereon
fully prepaid, and there is regular communication between
the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 1975, at Sacramento,
California.


DECLARANT



Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

March 13, 1975

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1788
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

OFF-TRACK BETTING AND NEVADA TYPE GAMING

INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule:

1. Minimum number of signatures required 499,846
Constitution IV, 22(b).
2. Official Summary Date 3/13/75
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
Signatures 3/13/75
 - b. Last day Proponent can circulate and file with
the county. All Sections are to be filed at the
same time 8/ 8/75*
Elections Code Sections 3507, 3520(a).
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit
total to Secretary of State 8/13/75

(If the Proponent files the petition with the county on a date other than 8/8/75 the last day is not later than the fifth day after the filing of the petition.)
Elections Code Section 3520(b).

* Date adjusted for official deadline which falls on a Sunday.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State 8/28/75

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 8/13/75, the last day is not later than the fifteenth day after the notification.)

Elections Code Section 3520(d,e).

- e. If signature count is between 449,861 and 549,831, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State 9/26/75

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date other than 8/28/75, the last day is not later than the thirtieth day after the notification.)

Elections Code Section 3520.5

4. Campaign Statements:

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 10/25/75 . . 11/ 1/75

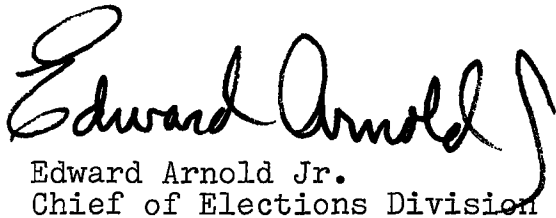
(If the Secretary of State qualified the measure for the ballot on a date other than 8/28/75, the last day to file is the 65th calendar day after the date the measure qualified.)

Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 10/ 5/75 . . 10/12/75
Government Code Section 84202(b).

5. The Proponent of the above measure is:

Robert Willis Wilson
12080 Ventura Boulevard
Studio City, California 91604



Edward Arnold Jr.
Chief of Elections Division

EA:gb

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3504, 3502.5, and 3511 for appropriate format and type considerations in printing, typing or otherwise preparing your initiative petition for circulation and signing.

Your attention is further directed to Government Code Sections 85200 et seq. regarding the circulation of statewide petitions.

AN INITIATIVE PETITION PROPOSING AN
AMENDMENT TO THE CONSTITUTION OF
THE STATE OF CALIFORNIA RELATING TO
EXTENDED PARI-MUTUEL WAGERING ON
HORSE RACES AND GAMING.

Initiative Measure

TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

The full text of the proposed Amendment is as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

The Constitution of the State of California is hereby amended by adding thereto a new article and sub-section designated as Article IV, Section 19, sub-section (c), which shall immediately follow Article IV, Section 19, sub-section (b), and shall read as follows:

ARTICLE IV, SECTION 19,
SUB-SECTION (c)

PEOPLES EXPERIMENTAL GAMING LAW

SECTION I. Existing methods of taxation have proved inadequate to meet the increasing costs of State government. The property tax has risen to the point that property owners cannot be taxed further without the State's economy being seriously impaired. The sales tax has been raised a percentage at a time to the point that the State has become a serious partner to most commercial transactions incurred within its boundaries. Other existing sources of revenue to the State is urgently needed. There exists at this time, within the confines of this State, a multi-million dollar activity related to Gaming and Book Making as set forth in the Penal Code, Chapter 10 of this State, which operate without State Taxation or supervision. It is further evident that vast sums of State revenues are expended in what has proved to be a futile effort to curb or eliminate this activity. The purpose of this Article is to provide for Gaming as set forth in the Penal Code, Chapter 10 of this State, and for extending pari-mutuel wagering for a limited period of time, and is to be treated as a pilot experimental program for a period of twenty-five (25) years.

SECTION II. The Legislature shall provide for the regulation of Gaming and of Extended Pari-Mutuel wagering on horse races as follows:

SECTION III. This Article shall be cited as the Peoples Experimental Gaming Law, and all reference to same shall be the same.

SECTION IV. Recognizing the mandate of the people, the Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming and Extended Pari-Mutuel Wagering operations on horse racing within the State. After the 25-year period referred to in Section I of this Article expires, the Legislature shall have the power to extend the pilot program to a time to be determined by it which any subsequent license may be issued according to all rules, regulations, and conditions which the Legislature may have then prescribed or to confirm said Article.

SECTION V. Jurisdiction and supervision over the Gaming and Extended Pari-Mutuel Wagering in this State and over all persons or things having to do with the operation of Gaming and Extended Pari-Mutuel Wagering is vested in the Peoples Experimental Gaming Law Commission.

The Commission shall consist of three members to be appointed by the Governor. Each member shall have been a resident of this State for four years next preceding his appointment. Each member shall hold office for a term of four years. Any vacancy shall be filled by the Governor for the expired term.

The members of the Commission shall receive a salary of \$22,500.00 per annum.

The Governor may remove any commission member for cause upon first giving him a copy of the charges against him and an opportunity to be heard.

The members of the Commission shall appoint one of its members a chairman.

SECTION VI. The Commission shall appoint such employees as may be necessary to carry out the provisions of this law.

The Commission shall appoint a secretary who shall receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

The salaries of the Commission members, the secretary and other employees and all other necessary expenses to carry out the Gaming and Extended Pari-Mutuel Wagering measure shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the Chairman of the Commission out of the California State General Fund.

The Commission shall establish and maintain a general office for the transaction of its business at a place to be determined by the Commission. The Commission may establish any branch office for the transaction of its business at a place to be determined by it. The Commission may hold meetings at any other place when the convenience of the members of the Commission requires.

All meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the Commission.

A majority of the Commission constitutes a quorum for the transaction of its business or the exercise of any of its powers.

The secretary shall keep a full and true record of all proceedings of the Commission, preserve at the Commission's general office all books, documents, and papers of the Board, prepare for service such notices and other papers as may be required of him by the Commission and perform such other duties as the Commission may prescribe.

All records of the Commission shall be open to inspection by the public during regular office hours.

The Legislature shall give the Commission all powers necessary and proper to enable it to carry out fully and effectually the purposes of this law.

SECTION VII. It shall be unlawful for any person, persons, corporation, association or other legal entity to conduct Extended Pari-Mutuel Wagering in this State without a license from the Commission.

The Commission shall issue up to one thousand (1,000) licenses to conduct Extended Pari-Mutuel Wagering in this State. The Commission may issue as many other licenses to conduct Extended Pari-Mutuel wagering as necessary in this State, with two-thirds (2/3) approval of the State Senate.

The license and permit fees shall be payable annually by the licensee and/or permittee to the State.

Out of all the revenues derived for the State of California from this Measure, Fifty Percent (50%) shall be directed into the State's General Fund and the balance and remaining Fifty Percent (50%) shall be directed into the Superintendent of Public Instruction of the State to be distributed for public education and distributed to all Counties of this State on the basis of average daily attendance for the purpose of lowering property taxation to the people of the State of California.

Nothing in this Amendment is to be construed as providing that the licensees that are permitted to conduct Extended Pari-Mutuel Wagering in this State shall share in the revenues derived by the race track operator by virtue of wagering made by the public, either of the race track or in facilities provided for extended pari-mutuel wagering by the licensees.

Thirty days after the issuance of the license for Extended Pari-Mutuel Wagering, the licensee shall pay to the Commission the sum of One Thousand Five Hundred and 00/100ths (\$1,500.00) Dollars as a license fee.

The license and permit fee shall be paid into the State General Fund. The license and permit fees shall be payable annually thereafter by the licensee and/or permittee.

When the Commission issues a license to conduct Extended Pari-Mutuel Wagering, the licensee may not sell or transfer said license without the approval of the Commission. All applicants for a license for Extended Pari-Mutuel Wagering must file with the Commission a Filing Fee to be determined by the Commission and shall be made in writing to the Commission, upon receipt of application forms to be supplied by said Commission. The Filing Fee shall not be refundable whether a license is issued or not.

SECTION VIII. All Extended Pari-Mutuel Wagering shall take place in dinner houses throughout the State which shall be equipped with closed-circuit television for viewing of the race and with pari-mutuel wagering machines utilized in a manner which would insure that any wager made within the system would reflect itself in the total mutuel pool for a particular race and with facilities comparable to those common at race tracks in this State.

The Commission shall be responsible in determining the locations of the Extended Pari-Mutuel stores as described in this measure.

Recognizing the people in favor of Extended Pari-Mutuel Wagering the Legislature shall pass all laws reasonably necessary to insure that there is cooperation between the race track operators and the licensee herein, so as to accomplish the purposes provided for herein.

Extended Pari-Mutuel Wagering licenses shall be issued to individuals, corporations, partnerships, or any legal entity. The licenses issued for Extended Pari-Mutuel Wagering stores operators shall not share in revenues derived through Extended Pari-Mutuel Wagering Funds. Further, all revenues derived through Extended Pari-Mutuel Wagering Funds pursuant to the existing sliding scale percentages (of each dollar wagered) now and future in effect, shall at least be shared equally with the State of California and the licensee that is authorized and designated by the State Racing Commission of California to conduct horse race meetings for the general public viewing each year.

SECTION IX. This section relates to Gaming only as follows:

1. Gaming is to be treated as a pilot experimental program as set forth in Section One of this Article for a period of twenty-five (25) years.

2. The Commission shall issue as many permits as a City Council request for Gaming.

3. Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the Commission the sum of Twenty-Five Thousand and 00/100ths (\$25,000.00) Dollars, as a permit fee.

4. The permit fee shall be paid into the State General Fund. The permit fee shall be payable annually thereafter by the permittee.

5. San Bernardino County shall be the only county for this pilot program for the State of California.

6. The Geographical Area Gaming shall be permitted is located in the County of San Bernardino as follows:

(A) Known as the City of Adelanto, County of San Bernardino.

7. The Peoples Experimental Gaming Law Commission shall issue permits for Gaming at the request of the City Council. It shall be unlawful for any person, persons, corporations, association, or other legal entity to conduct Gaming in this State without a Gaming license from the City's three-man Commission and a permit for Gaming from the Peoples Experimental Gaming Law Commission of this State.

8. The Peoples Experimental Gaming Law Commission shall work in conjunction (at the request of the City Council and their Gaming Commission) in regard to a complete uniform investigation of applicants applying for a City Gaming License and a State Gaming permit to make sure of a complete control over gaming in this State.

9. Gaming as set forth in this measure relating to City location, the City of Adelanto, shall have the exercise of local option permitting Gaming.

10. If the City of Adelanto permits Gaming:

(A) The City named shall adopt a City Ordinance with a full-time three (3) man Commission appointed by the City Council for the purpose of a universal screening licensing Commission of that city to investigate applicants for a Gaming license, and supervision over Gaming in that city and establish their own licensing and tax fees.

11. Thirty days after the issuance of a permit for Gaming, the permittee shall pay to the Commission the sum of Twenty Five Thousand and 00/100ths (\$25,000.00) as a permit fee.

SECTION X. Gaming defined as follows:

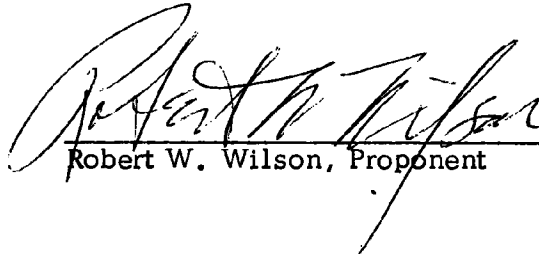
1. The Legislature shall pass all laws reasonably necessary to implement the conducting of Gaming (as defined in the State Penal Code, Chapter 10, Section 330) including, Slot Machines, Card Dice, Dice, Punchboard, Lottery, Pool-Selling, Faro, Monte, Roulette, Lansquenet rouge et noire, Rondo, Tan, Fan-Tan, Stud Horses Poker, Seven-and-Half, Twenty-One Black Jack, Hokey-Pokey, or any banking or percentage game played with cards, dice, or any device for money, checks, credit, or other representative of value.

SECTION XI. All revenues derived for the State from this Article is for the purpose of lowering taxation to the people of the State of California.

SECTION XII. All provisions of the Constitution of the State of California and the laws of the State of California, in conflict with or inconsistent with the provisions hereof are hereby repealed. If any portion, section or clause of this Article shall be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

SECTION XIII. The Legislature shall pass all laws necessary to effect operation of this measure. It shall take effect five days after the date of the official declaration of the vote by the Secretary of State and become operative upon the first day of the first month following the fourth day after the date of the official declaration of the vote.

SECTION XIV. The provisions of this Article are self-executing.


Robert W. Wilson, Proponent